

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VIII**

In the Matter of:)	
)	
David Furr)	CONSENT AGREEMENT
6601 County Rd. 200)	
DeBeque, CO 81630,)	Docket No. CWA-8-2001-47
)	
Respondent.)	
)	
_____)	

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, David Furr, by their undersigned representatives, hereby consent and agree as follows:

1. On September 20, 2001, Complainant issued a Complaint alleging violations of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq. The Complaint proposed a civil penalty for the violations alleged therein.
2. Respondent admits the jurisdictional allegations of the Complaint only and neither admits nor denies the remaining factual and legal allegations.
3. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint.
4. This Consent Agreement, upon incorporation into a final consent order, applies to and is binding upon EPA and upon Respondent and Respondent's successors and assigns.

5. This Consent Agreement contains all terms of the settlement agreed to by the parties.

6. Respondent consents and agrees that not more than 20 days after Respondent's receipt of a signed final order in this matter, Respondent shall pay a civil penalty in the amount of thirteen thousand two hundred dollars (\$13,200.00) by remitting a cashier's or certified check for that amount, payable to "Treasurer, United States of America," along with a copy of this Consent Agreement, to:

Mellon Bank
EPA Region VIII
(Regional Hearing Clerk)
P.O. Box 360859M
Pittsburgh, PA 15251

The check shall reference the name and address of Respondent and the EPA docket number of this action (CWA-8-2001-47). A copy of the check shall be sent simultaneously to:

Regional Hearing Clerk
U.S. EPA Region VIII (8RC)
999 18th Street, Suite 300
Denver, CO 80202-2466

and

Diane L. Sipe
Director
Technical Enforcement Program (8ENF-T)
U.S. EPA Region VIII
999 18th Street, Suite 300
Denver, CO 80202-2466

7. Respondent further agrees and consents that if Respondent fails to pay the penalty amount within 20 days of receipt of the final order, the full penalty amount proposed in the

Complaint shall become due and owing by Respondent. Furthermore, interest on the penalty amount shall accrue at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of twenty dollars (\$20.00) shall be imposed after the first 30 days that the payment, or any portion thereof, is overdue, with an additional charge of ten dollars (\$10.00) imposed for each subsequent 30-day period until the payment due is made. In addition, a six percent (6%) per annum penalty shall be applied on any principal amount not paid within 90 days after receipt of the final order.

8. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the CWA and its implementing regulations.

9. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

10. Nothing in this Consent Agreement shall be construed as a waiver by the U.S. EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

11. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

12. Each party shall bear its own costs and attorneys fees in connection with this matter.

13. This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.

In the Matter of David Furr
Docket No. CWA-8-2001-47

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION VIII,
Complainant.

Date: 5/9/03

By: SIGNED
Michael T. Risner
Director
David J. Janik
Supervisory Enforcement Attorney
Legal Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice

Date: 5.16.03

By: SIGNED
Diane L. Sipe
Director
Technical Enforcement Program

Date: 5/7/03

By: SIGNED
Wendy I. Silver
Enforcement Attorney

DAVID FURR,
Respondent.

Date: 5/1/03

By: SIGNED
David L. Furr

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **DAVID FURR, DOCKET NO.: CWA-8-2001-47** was filed with the Regional Hearing Clerk on May 27, 2003

Further, the undersigned certifies that a true and correct copy of the document was delivered to Wendy Silver, Enforcement Attorney, U.S. EPA - Region 8, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

Thomas C. Volkmann
Spiecker, Hanlon, Gormley & Volkmann, LLP
225 North 5th Street
P. O. Box 1991
Grand Junction, CO 81502

and hand-delivered mailed to :

Honorable Alfred C. Smith
Regional Judicial Officer
U. S. Environmental Protection Agency
999 18th Street, Suite 300 (8RC)
Denver, CO 80202-2466

May 27, 2003

SIGNED

Tina Artemis
Regional Hearing Clerk

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON MAY 27, 2003.